

### **DETAILED ACTION**

1. This communication is in response to Applicant's communication filed on July 10, 2009. Amendments to claims 1, 2, 4, 5, 29, 33, cancellation of claims 18-28 and addition of new claims 34-49 have been entered. Claims 1-17 and 29-49 are currently pending in this application. In view of the amendments and addition of new claims, the claims are subject to election/restriction as discussed below. Applicants are respectfully requested to elect one of the two inventions listed below and cancel the non-elected claims in their response to this office action.

#### ***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-17 and 34-39, drawn to a system and method for trading of securities in an electronic trading venue, the method comprising entering at a client computing system an order executable against any participant that can at least in part satisfy the order, the client station including a display that renders a graphical user interface; choosing through the graphical user interface rendered on the display a priority type for how the order interacts with contra side quotes/orders in the trading venue classified in class 705, subclass 37. A utility of this group of claims is choosing through the graphical user interface rendered on the display a priority type for how the order interacts with contra side quotes/orders in the trading venue.

II. Claims 7-12 drawn to a computer program product and a system for an electronic trading venue for trading of securities, the computer program product comprising instructions for causing a computer to: receive an order entered from a client station, the order to buy or sell a specified quantity if a security, the order of a type that is executable for execution against any participant that can at least in part satisfy at least a portion of the specified quantity of the order;

and determine from the received order a priority type for how the order interacts with contra side quotes/orders in the trading venue; and execute the order against contra-side interest according to the determined priority type, classified in class 705, subclass 37. A utility of this group of claims is executing the order against contra-side interest according to a determined priority type.

3. The inventions are distinct, from each other because of the following reasons:

The inventions are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. As is obvious from the features of the claims and their separate utility, the inventions are different in scope and distinct from each other. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

4. **Applicant is advised that the reply to this requirement to be complete must include (i) an election of an invention to be examined** even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected invention.**

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

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Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles R. Kyle can be reached at (571) 272-6746. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Narayanswamy Subramanian/  
Primary Examiner  
Art Unit 3695

November 23, 2009